

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
CINDY DESIR, *on behalf of herself, FLSA Collective Plaintiffs and the Class,* :
: :
Plaintiff, : 19-CV-8144 (JPC)
: :
-v- : ORDER ADOPTING
: REPORT AND
: RECOMMENDATION
NYU LANGONE HEALTH SYSTEM and NICOLE REISS, :
: :
Defendants. :
:
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JOHN P. CRONAN, United States District Judge:

Plaintiff Cindy Desir brings this action under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, (“FLSA”) and the New York Labor Law, N.Y. Lab. Law § 190 *et seq.*, (“NYLL”), and has filed a motion seeking (1) conditional certification of a collective action under the FLSA; (2) authorization of a collective action notice; (3) permission to circulate a collective action notice to the proposed collective (the “Proposed Notice”); (4) production of identifying information from Defendants; (5) a requirement that Defendants post the Proposed Notice in conspicuous locations at Defendants’ pharmacy for 60 days; and (6) equitable tolling of the statute of limitations pending expiration of the opt-in period. (Dkt. 32.) By Order dated October 19, 2020, the Honorable Sarah L. Cave, to whom this case has been referred for general supervision of pretrial proceedings, issued a Report and Recommendation, recommending that the motion be granted in part and denied in part. (Dkt. 51.)

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge’s

disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no objections are made, the Court reviews the Report and Recommendation for clear error. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. (Dkt. 51 at 20.) No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Notwithstanding this waiver, the Court has conducted a *de novo* review of the Report and Recommendation, and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court ADOPTS the Report and Recommendation in its entirety.

SO ORDERED.

Dated: December 22, 2020
New York, New York



JOHN P. CRONAN
United States District Judge